IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Bail Appl..No. 6375 of 2007()

CRIME NO.335 OF 2007 OF VENGARA POLICE, J.F.C.M, MALAPPURAM

: PETITIONERS/ACCUSED 2 AND 3

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1. K.KUNHIMOHAMMED, S/O. ISMAIL HAJI,
   KOLLEN THODIKA HOUSE, VALIYORA AMSOM,
   VENGARA, TIRURANGADI TALUK.

2. AYINIKKAD CHALIL USMAN, S/O. MOIDEEN,
   P.O.VALIYORA, VENGARA, TIRURANGADI TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE STATION HOUSE OFFICER, VENGARA POLICE
STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6375 of 2007

Dated this the 18th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 2 and 3 in a crime registered for offences punishable, inter alia, under Sections 468 and 471 I.P.C.

2. Applications were called for appointment as Authorised Ration Dealers. The 3rd accused is alleged to have submitted an application for appointment as A.R.D. Along with that application he had produced a consent letter from the landlady of a building. The allegation against the petitioners is that the said consent letter is a forged one. Accused 1 and 2 had allegedly approached the land lady for such a letter. The land lady had allegedly not given any such consent letter. It is alleged that thereafter accused 1 to 3 had forged the consent letter and produced the same before the authorities to support the claim for appointment as A.R.D. One of the sons of the landlady has filed a complaint before the police alleging that his mother's signature is forged in the consent letter.

3. The learned counsel for the petitioners submits that the allegations are totally false. The petitioners had approached one son of the landlady and had obtained the consent letter from him and the

petitioners are not aware of the disputes between the sons of the landlady. In fact, it now turns out that the consent letter from the landlady has been obtained by many persons, as can be seen from the contents of Annexure-A1 order. When the 3rd accused/the 2nd petitioner realised the controversy, he did not press his claim for appointment as A.R.D. That again is evident from Annexure-A1 order. In these circumstances, with the sole purpose of vexing and harassing the petitioners, such a false complaint has been filed, submits counsel.

4. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, to which I have already made brief reference, that the petitioners can be granted anticipatory bail. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 25.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 26.10.07 and 27.10.07 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 25.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 25.10.07.

(R.BASANT, JUDGE)

rtr/-